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November 15, 2004

VIA FACSIMILE

To: Examiner Ahmed N. Sefer
Group Art Unit No. 2826
U.S.P.T.O.

Facsimile No.: (703) 872-9306

From: James N. Dresser

Facsimile No.: (703) 761-2375 or 76

Re: Enclosed Request for Complete Advisory Action
U.S. Patent Application Serial No. 09/986,109
Our Reference: NIS.044

Dear Examiner Sefer:

Enclosed is a Request for Complete Advisory Action, which requests that the status of the Amendment under 37 C.F.R. §1.116 be indicated and that the reason that amended claim 39 is not allowable be stated.

Thank you in advance for your consideration on this case.

Very truly yours,


James N. Dresser

JND/SMM/kks
Enclosure

Total No. of Pages Transmitted: 6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kimikazu Matsumoto, et al.

Serial No.: 09/986,109

Group Art Unit: 2826

Filed: November 7, 2001

Examiner: Ahmed N. Sefer

For: LIQUID CRYSTAL DISPLAY DEVICE AND METHOD FOR
MANUFACTURING SAME AND COLOR FILTER SUBSTRATE

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

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REQUEST FOR COMPLETE ADVISORY ACTION

Sir:

Receipt of the Advisory Action mailed November 9, 2004 is acknowledged. That Advisory Action does not indicate whether the Amendment Under 37 C.F.R. §1.116, filed October 29, 2004 will be entered for purposes of appeal and does not clearly indicate why the Amendment does not place the application in condition for allowance. Therefore, a complete Advisory Action, overcoming these deficiencies, is requested.

On the Advisory Action, the block for paragraph 7 is marked. This paragraph is intended to indicate whether the Amendment will be entered for purposes of appeal; however, marking of one of two further blocks within paragraph 7 is necessary, the first indicating that the amendment will not be entered, and the second indicating that the amendment will be entered. Neither of these further blocks is marked.

If the last block is marked, indicating that the amendment will be entered for purposes of appeal, then paragraph 7 indicates that an explanation of how the amended claims would be rejected is to be provided. No explanation was provided.

MPEP §714.13 states:

Advisory Action form PTOL-303 should be used to acknowledge receipt of a reply from applicant after final rejection where such reply is prior to filing of an appeal brief and does not place the application in condition for allowance. This form has been devised to advise applicant of the disposition

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of the proposed amendments to the claims and of the effect of any argument or affidavit not placing the application in condition for allowance or which could not be made allowable by a telephone call to clear up minor matters. (Emphasis added.)

The lack of any indication of whether the Amendment Under 37 C.F.R. §1.116 will be entered for purposes of appeal fails to advise applicant of the disposition of the proposed amendments to the claims and of the effect of the argument in the Amendment.

The block for paragraph 5 on the Advisory Action is also marked. Paragraph 5 is to be used to indicate that an affidavit, exhibit, or request for reconsideration has been considered but does not place the application in condition for allowance. Although an Amendment was filed in response to the final rejection, and not a request for reconsideration, and no affidavit or exhibit was included, paragraph 5 can still provide meaningful information if fully utilized.

Paragraph 5 goes on to state that the application was not placed in condition for allowance "because:" followed by a line on which the Examiner is to give the reason why the amendment does not place the application in condition for allowance. On the Advisory Action, the reason given is: "The argument was not persuasive." This "reason" says nothing about the amended claim and is not informative as to Applicant's argument. Consequently, the "reason" does not advance prosecution.

Prior to the Amendment Under 37 C.F.R. §1.116, claim 39 was the only claim rejected. Claim 39, before the Amendment, read:

39. (New) A liquid crystal display device comprising:
a color filter substrate;
a thin film transistor substrate;
a plurality of liquid crystals between said color filter substrate and said thin film transistor substrate to form a matrix including a plurality of unit pixels arranged in a plurality of rows and a plurality of columns; and
a plurality of columnar spacers interposed between said color filter substrate and said thin film transistor substrate, wherein:

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said columnar spacers are provided in a plurality of pairs, each pair of columnar spacers being in a pair of two unit pixels adjacent to each other in a row or a column of the matrix, and
each pair of columnar spacers is spaced from all other pairs of columnar spacers by at least two pixels of a row or a column.

The final rejection rejected claim 39 under 35 U.S.C. §102(e) as anticipated by Sawasaki, United States Published Patent Application No. 2001/0026347. The Amendment Under 37 C.F.R. §1.116 amended claim 39 as follows:

39. (Currently amended) A liquid crystal display device comprising:
a color filter substrate;
a thin film transistor substrate;
a plurality of liquid crystals between said color filter substrate and said thin film transistor substrate to form a matrix including a plurality of unit pixels arranged in a plurality of rows and a plurality of columns; and
a plurality of columnar spacers interposed between said color filter substrate and said thin film transistor substrate, wherein:
said columnar spacers are provided in a plurality of pairs, each pair of columnar spacers being in a pair of two unit pixels adjacent to each other in a row or a column of the matrix, and
each pair of columnar spacers is spaced from all other ~~pairs of columnar spacers by at least two pixels of a row or a column.~~

The Amendment Under 37 C.F.R. §1.116 then argued:

The invention of claim 39 is directed to a liquid crystal display device which includes a color filter substrate; a thin film transistor substrate; a plurality of liquid crystals between the color filter substrate and the thin film transistor substrate to form a matrix including a plurality of unit pixels arranged in a plurality of rows and a plurality of columns; and a plurality of columnar spacers interposed between the color filter substrate and the thin film transistor substrate. The columnar spacers are provided in a plurality of pairs. Each pair of columnar spacers is in a pair of two unit pixels adjacent to each other in a row or a column of the matrix. Each pair of columnar spacers is spaced from all other columnar spacers by at least two pixels.

The Office Action rejected claim 39 as anticipated by Sawasaki, et al., and directed attention to Figures 47-51 of Sawasaki, et al. Those figures disclose a liquid crystal display device which includes a color filter substrate; a thin film transistor substrate; a plurality of liquid crystals between the color filter substrate and the thin film transistor substrate to form a matrix including a plurality of unit pixels arranged in a plurality of rows and a plurality of columns; and a plurality of columnar spacers interposed between the color filter substrate and the thin film transistor substrate. Each columnar spacer is adjacent to another columnar spacer in rows of the matrix. Thus, while each

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columnar spacer is spaced from all other columnar spacers in its column by at least two pixels; in rows of the matrix the columnar spacers are in adjacent pixels. Consequently, Sawasaki et al. does not show or suggest that each pair of columnar spacers be spaced from all other columnar spacers by at least two pixels, as set out in the final line of claim 39. It is accordingly urged that claim 39 distinguishes patentably from Sawasaki, et al., and is allowable, just as are claims 1-6 and 25-38.

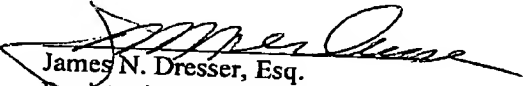
Clearly, claim 39 is no longer anticipated by Sawasaki, and so the Amendment overcame the rejection under 35 U.S.C. §102(e). Thus, the mere reason "The argument was not persuasive" does not adequately explain why claim 39 is not allowable.

It certainly does not provide an adequate reason to refuse entry of the Amendment Under 37 C.F.R. §1.116.

Accordingly, it is requested that a complete Advisory Action be issued, clearly indicating whether the Amendment Under 37 C.F.R. §1.116 will be entered for purposes of appeal and clearly setting forth why the Amendment does not place the application in condition for allowance.

Respectfully Submitted,

Date: November 12, 2004



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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Request for Complete Advisory Action with
Examiner Ahmed N. Sefer, Group Art Unit No. 2826 within the United States Patent and
Trademark Office at facsimile number 703-872-9306 on November 12, 2004.


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